

Tracs HD86201C

A. G. Contract No. KR-88-0547-TRD

ECS File: IGA-88-17
Project: RAM-600-5-502
Fund: 63201
Section: Jct. I-10-Grand Canal

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF PHOENIX

THIS AGREEMENT is entered into July 6, 1988,
between the STATE OF ARIZONA, acting by and through its
DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF
PHOENIX, acting by and through its City Council (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Sections 11-952 and 28-114 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 and by Ch. 2, Sec. 2(i) of its City Charter to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute same on behalf of the City.

3. The State is now constructing the roadway and related facilities for the East Papago Freeway, including as part of said facilities the installation of new City 6" waterlines.

4. The City desires to include in the State's construction project the installation of water service connections at Culver Street between 25th Street and 27th Street and at Willetta Street between 27th Street and 28th Street.

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| NO. <u>13166</u> |
| FILED WITH SECRETARY OF STATE |
| Date Filed <u>7-11-88</u> |
| <u>[Signature]</u> Secretary of State |
| By <u>[Signature]</u> |

5. The cost of each connection is \$550, including complete installation in place. It is estimated that 62 such connections will be required, for a total estimated cost of \$34,650.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The State shall add the water service connections by change order to its ongoing construction contract. The service line connections shall conform to MAG specifications and standard details.

2. Upon completion of installation, the State shall bill the City at the rate of \$550 per water service connection. The City shall remit payment within 30 days of receipt of billing.

3. In addition to all costs as set forth above, the City shall bear the cost of all claims, if any, by the contractor arising out of the installation of said water service connections.

4. The City shall bear all responsibility and costs for the maintenance of said water service connections.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said installation of service connections; provided, however, that any provisions herein for maintenance shall be perpetual.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled by the Governor in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

6. Attached hereto and incorporated herein by reference is a copy of the written determination of each party's legal

counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF PHOENIX

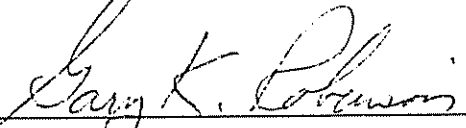
STATE OF ARIZONA

Department of Transportation

By



By



Title Assistant City Engineer Acting State Engineer

GARY K. ROBINSON

0736j

RESOLUTION NO. 17301

A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE STATE OF ARIZONA THROUGH ITS DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION AND MAINTENANCE OF WATER SERVICE CONNECTIONS AS PART OF THE EAST PAPAGO FREEWAY CONSTRUCTION PROJECT

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. That it has been determined to be in the public interest, health, welfare and convenience that the City of Phoenix enter into an agreement with the State of Arizona through its Department of Transportation for construction and maintenance of water service connections as part of the East Papago Freeway Construction Project.

SECTION 2. That the City Manager or his designee be, and he is hereby, authorized to enter into an agreement with the State of Arizona through its Department of Transportation for construction and maintenance of water service connections as part of the East Papago Freeway Construction Project, and further to sign all contracts, agreements, et cetera, necessary and proper in connection with the procedures necessary thereto.


SECTION 3. WHEREAS, the immediate operation of this resolution is necessary for the preservation of the public peace, health and safety, an EMERGENCY is hereby declared to exist, and

this resolution shall be in full force and effect from and after its passage by the Council as required by the City Charter and is hereby exempted from the referendum clause of said Charter.

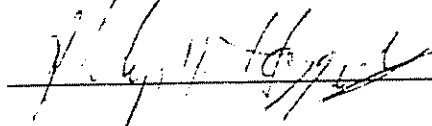
PASSED by the Council of the City of Phoenix this 5 day of JUNE, 1988.


MAYOR

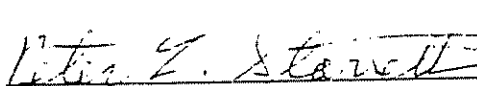
ATTEST:

 City Clerk

APPROVED AS TO FORM:

 ACTING
City Attorney

REVIEWED BY:

 City Manager

ECS File: IGA-88-17
Project: RAM-600-5-502
Section: Jct. I-10-Grand Canal

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

The referenced agreement between the City of Phoenix and the Arizona Department of Transportation has been reviewed pursuant to Arizona Revised Statutes Section 11-952, as amended, by the undersigned City Attorney, who has determined that it is in the proper form and is within the powers and authority granted to the City of Phoenix.

Dated this 24th day of June, 1988.



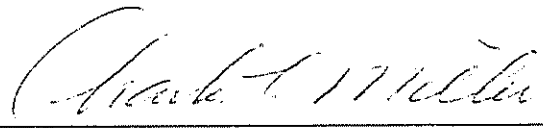
ACTING City Attorney

ECS File: IGA-88-17
Project: RAM-600-5-502
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RESOLUTION

BE IT RESOLVED on this 14th day of March, 1988, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, enter into an agreement with the City of Phoenix for the installation of City water service connections in conjunction with the State's highway construction project.

THEREFORE, authorization is hereby given to draft said agreement which, upon completion, shall be submitted for approval and execution by the State Engineer.



CHARLES L. MILLER, Director
Arizona Department of
Transportation

Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. KR-88-0547-TRD, is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 8th day of July, 1988.

ROBERT R. CORBIN
Attorney General

James R. Reynolds
Assistant Attorney General
Transportation Division